

Biennial Review Request for Comments from DEQ

- 1) Does the Area plan include all water quality limited bodies, including 303(d) listed with approved TMDL's? YES.**
- 2) Does the Area Plan adequately reflect current TMDL status? Yes.**
- 3) Does the Area plan sufficiently present the TMDL load allocation that it is intended to Address? Yes.**
- 4) Does the Area Plan adequately include items from applicable Groundwater Management Action Area Plans? No. No reference found.**
- 5) Does the Area Plan present the requirements of Coastal Zone Management Act applicable to agriculture? Yes.**
- 6) Does the Area Plan include sufficient items from the State of Oregon Pesticide Management Plan for Water Quality protection? Yes.**
- 7) Does the Area Plan sufficiently address the needs in drinking water source areas related to agriculture pollution sources within the geographic area of the plan? No. No reference found.**

Goals and Objectives

- 1) Do the goals and objectives of the Area Plan clearly state that the purpose of the Area plan is to prevent and control water pollution and to meet water quality standards? Yes.**
- 2) Does the Area Plan include clear and measurable objectives? Yes/No. Some of the listed Goals (Numbers 1, 2, 7,) are clear and measurable. The others are clear enough, but will be difficult to measure. The DEQ long-term monitoring program is capable of determining bacteria and temperature trends across a basin, but is not structured to determine farm specific discharges. The Area Plan essentially relies on visual observation of riparian areas.**

Strategies to Meet Water Quality Goals and Track Progress

- 1) **Are geographic and/or water quality issue priorities listed in the Area Plan consistent with TMDL and GWMA priorities ?** Yes for TMDLs. No for GWMA.
- 2) **Are geographic scales and implementation actions identified in the Area Plan appropriate to track implementation, progress, and effectiveness?** No. The Area Plan primarily relies on visual observation of riparian areas. Although the Plan refers to arial photography as a tool, it is potentially limited by funding. Although CAFO permitted facilities receive regular inspections where livestock exclusion and riparian cover is emphasized, non-permitted agriculture properties do not. The Area Plan discusses outreach and education and voluntary farm plans, but seems inadequate to quantify basin-wide, farm specific problems. Without a systematic visual survey of watersheds it impossible to determine farm specific compliance. There is also the problem of adequate enforcement. According to the last biennial report covering the period 2007-2009, only 3 compliance cases were pursued. None of them was for riparian violations. One example of a riparian violation was presented. From the before and after photos, it does not appear that the restoration effort meets the riparian conditions requirement outlined on Page 28 of the Area Plan. Without site specific water quality sampling data, it will be difficult to access the effectiveness of the effort.
- 3) **Does the Area Plan provide sound evidence or reasons why implementation actions could lead to pollution reduction? If some of the implementation actions are not consistent with WQ goals, explain why those practices do not contribute toward meeting those WQ goals.**

Yes. Riparian restoration BMP's are proven to work. However, the aforementioned compliance problems are an issue.

- 4) **Does the Area Plan include timelines, schedules, and measurable milestones that are consistent with TMDL WQMP?** No. There are no specific timelines, schedules, or measurable milestones. The most common statement under implementation timeframe is "upon rule adoption". The Plan Evaluation and Modification section speaks of "an accounting of the numbers and acreage of operations with approved Voluntary Plans that address the prevention and control measures and the best available estimate of the amount of soil erosion and pollution prevented". This does not take into account the riparian restoration efforts on the North Coast by watershed councils and other entities. To date these efforts have resulted in 200 plus miles of riparian restoration. Without a site specific water quality monitoring effort, it is difficult to see how we would determine the "best available estimate of the amount of soil erosion and pollution prevented".

Area Rules

- 1) **Are there any comments on the Area Rules?** No.